

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD LOUIS GUAY,

Defendant.

CR 17–114–BLG–DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan’s Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 119.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Richard Louis Guay’s admissions at the hearing, that he violated the following conditions of supervised release: (1) Defendant violated the condition of supervised release that he must participate in

substance abuse testing, as alleged in Violation No. 1; (2) Defendant violated the condition of supervised release that he must participate in substance abuse testing, as alleged in Violation No. 2; (3) Defendant violated the condition of supervised release that he must refrain from any unlawful use of a controlled substance, as alleged in Violation No. 3; (4) Defendant violated the condition of supervised release that he must not communicate or interact with someone he knows is engaged in criminal activity, as alleged in Violation No. 4. (Docs. 114, 119 at 6.)

Judge Cavan recommends that this Court revoke Guay's supervised release and sentence him to a custodial sentence of four months, followed by 56 months of supervised release. (Doc. 119 at 7.) The Court finds no clear error in Judge Cavan's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations (Doc. 119) is ADOPTED in full.

Guay shall be sentenced in conformity with Judge Cavan's recommendation in the judgment filed concurrently with this Order.

DATED this 24th day of September, 2025.



Dana L. Christensen, District Judge
United States District Court